

## REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested.

The drawings were objected to. A replacement sheet with corrections to FIG. 4, as requested by the Examiner, is attached.

Claims 1-7 and 13-17 have been rejected.

Claims 8-12 and 18 were previously canceled.

Claims 1-7 and 13-17 have been amended.

Claims 1-7 and 13-17 are pending in this application.

### **Rejection under 35 U.S.C. §103(a)**

Claims 1-2, 5-7, 13 and 16-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tontiruttananon et al. (US 7,107,061, hereinafter '061) in view of Casaccia et al. (US2002/0177432, hereinafter '432). This rejection is respectfully traversed.

Independent claim 1 has been rearranged and amended to incorporate portions of claims 2-5. In addition, claim 1 has been amended to reflect that a communication device includes a call gapping list, and initiates the call gapping process for any overloaded destination node on its list, support for which can be found on page 17 lines 9-16, page 18 lines 1-14, and page 19 lines 8-11.

Applicant respectfully submits that neither '061 nor '432 suggest or disclose the use of a list of telephone numbers to block. The list provides the advantage of allowing the communication device (i.e. BS or MS) to act autonomously; if a number is on its list, then it is blocked, otherwise it is not blocked. In both '061 and '432 it is necessary that an OMC provide separate instructions that a device should initiate call blocking along with the blocked number, which requires more overhead. Applicant's solution simply supplies a telephone number to be stored in a list on the device. The device already knows to block any calls to telephone numbers on its list, and need not be specifically told to initiate a blocking process.

Accordingly, applicant respectfully submits that amended claim 1 is patentable and non-obvious over the cited art, and should be allowed.

Claim 2 has been recast to recite that the call blocking instruction is sent to all exchange functions on a communication path to the destination node in order to initiate a call gapping process at all mobile stations supported by that particular exchange function, support for which can be found on page 16 lines 6-13.

Neither '061 nor '432 suggest or disclose this feature.

Accordingly, applicant respectfully submits that amended claim 2 is patentable and non-obvious over the cited art, and should be allowed.

Claim 3 has been recast to recite that the network entity sends call gapping instructions to communication devices recognized as heavier than normal communication resource users, support for which can be found on page 19 lines 15-33.

Neither '061 nor '432 suggest or disclose this feature.

Accordingly, applicant respectfully submits that amended claim 3 is patentable and non-obvious over the cited art, and should be allowed.

Claim 4 has been recast to reflect that the network entity sends different call gapping instructions to communication devices having different quality of service requirements, support for which can be found on page 20 lines 1-3.

Neither '061 nor '432 suggest or disclose this feature.

Accordingly, applicant respectfully submits that amended claim 4 is patentable and non-obvious over the cited art, and should be allowed.

Claim 5 has been recast to reflect that a network entity is operable to regularly sends calling gap instructions to communication devices, and if a communication device does not receive a calling gap instruction within a predetermined period, the communication device removes any nodes in its calling gap list, support for which can be found on page 22 lines 22-29.

Neither '061 nor '432 suggest or disclose this feature.

Accordingly, applicant respectfully submits that amended claim 5 is patentable and non-obvious over the cited art, and should be allowed.

Claim 6 has been amended to recite that the call gapping instruction includes a first range of telephone numbers of an overloaded exchange sent to the mobile stations whereupon the mobile stations initiate call blocking to any telephone number within the first range of telephone numbers, support for which can be found on page 16 lines 20-22.

Neither '061 nor '432 suggest or disclose this feature.

Accordingly, applicant respectfully submits that amended claim 6 is patentable and non-obvious over the cited art, and should be allowed.

Claim 7 has been recast to reflect that the call gapping instruction includes a second range of telephone numbers of an overloaded exchange sent to the mobile stations wherein the

mobile stations do not block any calls to telephone numbers within the second range of telephone numbers, support for which can be found on page 17 lines 1-5.

Neither '061 nor '432 suggest or disclose this feature.

Accordingly, applicant respectfully submits that amended claim 7 is patentable and non-obvious over the cited art, and should be allowed.

Independent claim 13 has been amended to include the same recitations as amended claim 1, in method form, and is therefore deemed allowable as well for the same reasons.

Dependent claims 14-17 have been amended to include the same recitations as amended claims 2-4 and 6, and are therefore deemed allowable as well for the same reasons.

Moreover claims 2-7 are dependent on amended claim 1, and therefore include all of the recitations of claim 1, which are not disclosed or suggested by the references. Similarly, claims 14-17 are dependent on amended claim 13, and therefore include all of the recitations of claim 1, which are not disclosed or suggested by the references

Accordingly, it is respectfully submitted that this rejection has been overcome.

#### **Rejection under 35 U.S.C. §103(a)**

Claims 3 and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over '061 in view of '432 and further in view of Horton (US 6,987,736). This rejection is respectfully traversed.

Claims 3 and 14 are dependent upon amended claims 1 and 13, respectively, hereby incorporated by reference, and are therefore deemed allowable as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

#### **Rejection under 35 U.S.C. §103(a)**

Claims 4 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over '061 in view of '432 as applied to claims 1 and 13, and further in view of Applicant art AAPA. This rejection is respectfully traversed.

Claims 4 and 15 are dependent upon amended claims 1 and 13, respectively, hereby incorporated by reference, and are therefore deemed allowable as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,  
**McDonald et al.**

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